

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ENTERTAINMENT MEDIA TRUST,	)	MB Docket No. 19-156
DENNIS J. WATKINS, TRUSTEE)	
)	
Applications to Renew License:)	
)	
KFTK(AM) (formerly WQQX(AM)), East St.	)	Facility ID No. 72815
Louis, Illinois	)	File No: BR-20120709ACP
)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BR-20120709AC0
)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BR-20120921AAW
)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BR-20120921ABA
)	
Application for Consent to Assignment of)	
Licenses:)	
)	
KFTK(AM) (formerly WQQX(AM)), East St.	)	Facility ID No. 72815
Louis, Illinois	)	File No: BAL-20160919ADH
)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BAL-20160919ADI
)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BAL-20160919ADJ
)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BAL-0160919ADK
)	
Application for Permit to Construct New	)	Facility ID No. 200438
Station:	)	File Nos. BNPFT-20170726AEF
	)	BNPFT-20180314AAO
W275CS, Highland, Illinois)	

To: Marlene H. Dortch, Secretary
Attn: Administrative Law Judge Jane Hinckley Halprin

JOINT MOTION FOR A PREHEARING CONFERENCE

1. Entertainment Media Trust, Dennis Watkins, Trustee (EMT) recently filed a motion with the U.S. Bankruptcy Court for the Southern District of Illinois (Bankruptcy Court) to voluntarily dismiss the Chapter 7 bankruptcy on which it (and the Chapter 7 Trustee) rely as the sole basis for delaying this proceeding.¹ The Federal Communications Commission – one of only three identified creditors – joined EMT’s motion.² The Chapter 7 Trustee opposed it.³ The only remaining identified creditors – counsel for EMT and the Chapter 7 Trustee in this proceeding – have not yet separately responded to EMT’s motion. The Bankruptcy Court ruled that objections to EMT’s dismissal motion must be filed by November 7, 2019.⁴

2. Given the uncertainty surrounding the bankruptcy case, the Enforcement Bureau and Petitioner Mark Kern (Kern) suggest that a prehearing conference would be appropriate and informative. They believe that such a conference may be the most efficient manner of addressing the status of this proceeding and the continued viability of the timeline previously established for its completion.⁵ Accordingly, the Chief, Enforcement Bureau, through her attorneys, and Kern respectfully request that the Presiding Judge schedule, at the earliest possible time, a prehearing conference.

3. Kern, through his counsel, represents that he has read this document and has authorized the undersigned to file it on his behalf.

¹ See *In re Entertainment Media Trust*, BK 19-31224, Motion for Voluntary Dismissal (Oct. 16, 2019).

² See *In re Entertainment Media Trust*, BK 19-31224, Joinder of the United States of America in the Debtor’s Motion for Voluntary Dismissal (Doc. No. 44) (Oct. 18, 2019).

³ See *In re Entertainment Media Trust*, BK 19-31224, Amended Objection to Debtor’s Motion to Dismiss (Doc. No. 50) (Oct. 18, 2019), attached hereto as Exhibit A. See also *In re Entertainment Media Trust*, BK 19-31224, Response of the United States of America to the Chapter 7 Trustee’s Amended Objection to Debtor’s Motion to Dismiss (Doc. No. 50) (Oct. 18, 2019), attached hereto as Exhibit B.

⁴ See *In re Entertainment Media Trust*, BK 19-31224, Notice (Oct. 17, 2019), attached hereto as Exhibit C.

⁵ See *Order*, FCC 19M-05 (ALJ, rel. Jul. 11, 2019).

Respectfully submitted,

Rosemary C. Harold
Chief, Enforcement Bureau



Pamela S. Kane
Special Counsel
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
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Washington, D.C. 20554
(202) 418-1420

Jeffrey Gee
Division Chief
Investigations and Hearings Division
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October 29, 2019

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In Re:) IN CHAPTER 7 PROCEEDINGS
ENTERTAINMENT MEDIA TRUST,) BK 19-31224
Debtor(s).)

AMENDED OBJECTION TO DEBTOR'S MOTION TO DISMISS

Comes now Donald M. Samson, trustee, and files this Amended Objection to Debtor's Motion to Dismiss and in support thereof states as follows:

1. That since the filing of the bankruptcy in order to preserve the assets of this estate the trustee has:
 - a. Employed attorney Davina S. Sashkin of Fletcher, Heald & Hildreth, PLC and Anthony Lepore of Radiotvlaw Associates, LLC to represent the interests of the bankruptcy estate in the pending FCC litigation to keep the licenses held by debtor from being terminated and to obtain FCC approval of a sale of the licenses.
 - b. Employed attorney Robert Eggmann of Carmody MacDonald P.C. to represent the trustee in stay proceedings in the Bankruptcy Court and to receive bankruptcy court approval of a sale of the licenses.
2. There have been extensive briefs in both the FCC and Bankruptcy Court litigation with the estate incurring substantial administrative costs.
3. There is presently pending before the Court a Motion for a \$363 Sale of the licenses with competing bid(s) submitted.
4. It is not in the best interest of the estate or parties in interest to grant debtor's Motion to Dismiss the bankruptcy.

WHEREFORE, Donald M. Samson, trustee, prays that the Motion to Dismiss filed by debtor Entertainment Media Trust be denied and for such further relief as this Court deems just and equitable.

DATE: 10/18/19

/s/ Donald M. Samson
DONALD M. SAMSON, Trustee
226 W. Main St., Ste., 102
Belleville, IL 62220
618-235-2226

CERTIFICATE OF SERVICE

The undersigned certifies that on the 18th day of October, 2019, a copy of the foregoing document, Amended Objection to Debtor's Motion to Dismiss, was served upon the following either electronically or by first class mail, postage prepaid:

Jerry D. Graham, Jr.
Attorney for Debtor
1 Eagle Center, Ste. A
O'Fallon, IL 62269

Jeffrey Gee, Esq.
Chief, Investigations & Hearing Division
Enforcement Bureau
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Pamela Kane, Esq.
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Anthony Lepore
Attorney at Law
Radiotvlaw Associates, LLC
4101 Albemarle Street NW, Ste. 324
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Office of the U.S. Trustee
Becker Building, Room 1100
401 Main Street
Peoria, IL 61602

/s/ Tara Schaefer

EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Received & Inspected

OCT 28 2019

IN RE:

IN PROCEEDINGS
UNDER CHAPTER 7

FCC Mallroom

ENTERTAINMENT MEDIA TRUST

Case No. 19-31224

Debtor.

**RESPONSE OF THE UNITED STATES OF AMERICA TO THE
CHAPTER 7 TRUSTEE'S AMENDED OBJECTION TO DEBTOR'S
MOTION TO DISMISS (DOC. NO. 50)**

The United States of America, on behalf of the Federal Communications Commission (the "FCC"), by and through its undersigned counsel, hereby responds to the Amended Objection to Debtor's Motion to Dismiss (the "Objection") filed by Donald M. Samson, trustee (the "Chapter 7 Trustee") (Doc. No. 50), and in further support respectfully represents as follows:

1. On October 16, the above-captioned debtor filed its Motion for Voluntary Dismissal (Doc. No. 44) (the "Motion to Dismiss"). On October 18, the United States joined that motion (Doc. 49).

2. In the Objection, the Chapter 7 Trustee states that continuation of this case is in the best interests of the Debtor's estate and the other parties in interest. This is wrong. The Motion to Dismiss was filed by the Debtor and joined by the FCC, two primary parties in interest.

3. Indeed, as the United States has repeatedly stated, the only creditors identified in the Debtor's petition (Doc. 1) are the FCC and the Debtor's attorneys in the proceeding before the FCC. *There are no other identified creditors.* The Chapter 7 Trustee does not speak for the FCC, or the Debtor, in this matter. The Chapter 7 Trustee speaks only on behalf of the Debtor's regulatory attorneys, whom the Chapter 7 Trustee has also retained. (Doc. 17) To be clear, the FCC is the *only* creditor in this case that is not also an estate lawyer, and the FCC supports dismissal.

4. The Chapter 7 Trustee relies on administrative expenses incurred in connection with its motion for a stay and its motion for a sale order.¹ Many of these expenses simply increase the amounts owed to the very same lawyers who are creditors in this case based on their representation of the Debtor in the regulatory proceeding and who now represent the Chapter 7 Trustee.²

5. The United States' Trustee's Handbook for Chapter 7 Trustees explains the Chapter 7 Trustee's responsibilities:

A chapter 7 case must be administered to maximize and expedite dividends to creditors. *A trustee shall not administer an estate or an asset in an estate where the proceeds of liquidation will primarily benefit the trustee or the professionals,* or unduly delay the resolution of the case. The trustee must be guided by this fundamental principle when acting as trustee.

¹ As of the date hereof, the Chapter 7 Trustee has sought and received Court approval to retain himself as an attorney in this case, *see* Doc. Nos. 7 and 8 and special counsel for the express purpose of litigating the Chapter 7 Trustee's motion to enforce the automatic stay, *see* Doc. 16. The Chapter 7 Trustee has not yet sought nor obtained approval for any professionals specifically in connection with the sale in the Bankruptcy Court.

² The Chapter 7 Trustee has retained the Debtor's lawyers as special counsel to represent him in matters before the FCC. *See* Doc. Nos. 13 and 17

Handbook for Chapter 7 Trustees, at 4-1 (emphasis added). While some of the lawyers retained by the Chapter 7 Trustee are also prepetition creditors, it appears that at this point the Chapter 7 Trustee is administering this case primarily for the benefit of the Trustee and the lawyers it has retained. Instead of making work for estate lawyers, we urge the Chapter 7 Trustee to support dismissal.

6. Finally, the United States reserves the right to file its own motion to dismiss, including, *inter alia*, on the basis that the Debtor is not a business trust and is therefore not eligible to be a chapter 7 debtor.

WHEREFORE, the United States respectfully requests that the Court (i) dismiss the above-captioned bankruptcy case and (ii) grant such other relief as is just and necessary.

STEVEN D. WEINHOFET
United States Attorney

By: /s/Adam E. Hanna
ADAM E. HANNA
Assistant United States Attorney
Southern District of Illinois
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Adam.Hanna@usdoj.gov

Certificate of Service

I certify that I served a copy of the foregoing

**RESPONSE OF THE UNITED STATES OF AMERICA TO THE
CHAPTER 7 TRUSTEE'S AMENDED OBJECTION TO DEBTOR'S
MOTION TO DISMISS (DOC. NO. 50)**

on the following by operation of the Court's electronic filing system on October 18, 2019 or by regular, first class United States mail, postage fully pre-paid, to be sent October 21, 2019 at the addresses below:

Jerry D. Graham, Jr.
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1 Eagle Center, Ste. A
O'Fallon, IL 62269

Jeffrey Gee, Esq.
Chief, Investigations & Hearing Division
Enforcement Bureau
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Pamela Kane, Esq.
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Howard M. Liberman, Esq.
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Davina S. Sashkin
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401 Main Street
Peoria, IL 61602

____/s/ *Adam E. Hanna*

EXHIBIT C

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

Entertainment Media Trust

In Proceedings
Under Chapter 7

BK 19-31224-lkg

Debtor(s)

SSN/Individual Taxpayer ID Number (ITIN): Employer Tax ID Number (ETIN):

84-6639949

NOTICE

On 10/16/2019, debtor(s) filed a motion to voluntarily dismiss case. Objections to the motion must be filed by 11/7/19. If no objections are filed within that time, the Court will enter an order granting the motion and dismissing this case.

DATED: October 17, 2019

Donna N Beyersdorfer
CLERK OF THE BANKRUPTCY COURT

United States Bankruptcy Court
Southern District of IllinoisIn re:
Entertainment Media Trust
DebtorCase No. 19-31224-lkg
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0754-3

User: ki
Form ID: 333Page 1 of 1
Total Noticed: 11

Date Rcvd: Oct 17, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2019.

db +Entertainment Media Trust, 100 W. Main Street, Belleville, IL 62220-1540
 sp +Anthony T Lepore, Radiotvlaw Associates LLC, 4101 Albemarle St NW, Ste 324, Washington, DC 20016-2151
 sp +Davina S Sashkin, Fletcher Heald and Hildreth, 1300 N 17th St, 11th Floor, Arlington, VA 22209-3811
 4065256 +Federal Communications Commission, 445 12th Stree SW, Washington, DC 20554-0005
 4065257 Fletcher, Heald & Hildreth, PLC, 11th Floor, 1300 North 17th Street, Arlington, VA 22209
 4065258 +Howard M. Liberman, Esq., Wilkinson Barker Knauer, 1800 M Street, NW, Suite 800N, Washington, DC 20036-5850
 4065259 +Insane Broadcasting Corp, 6500 W Main Street, Suite 315, Belleville, IL 62223-3700
 4065260 +Jeffrey Gee, Esq., Enforcement Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554-0005
 4065261 +Pamels Kane, Esq., Enforcement Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554-0005
 4065262 RadioTVLaw Associates LLC, 4101 Albemarle St. NW #324, Washington, DC 20016-2151

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

sp +E-mail/Text: ree@carmodymacdonald.com Oct 17 2019 18:05:36 Robert Eggmann,
 Carmody MacDonald, 120 South Central Avenue, Ste. 1800, St. Louis, MO 63105-1726
 TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2019 at the address(es) listed below:

Adam E Hanna on behalf of Interested Party United States of America adam.hanna@usdoj.gov,
 katrina.flood@usdoj.gov
 Donald M Samson on behalf of Trustee Donald M. Samson dnldsamson@gmail.com
 Donald M. Samson dnldsamson@gmail.com, 1117@ecfcbis.com;dms@trustesolutions.net
 Jerry D Graham, Jr on behalf of Debtor Entertainment Media Trust court@jdgrahamlaw.com,
 jdgrahampc@gmail.com;r47365@notify.bestcase.com
 Robert E Eggmann on behalf of Spec. Counsel Robert Eggmann ree@carmodymacdonald.com,
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 United States Trustee USTPRegion10.es.ecf@usdoj.gov

TOTAL: 6

CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has, on this 29th day of October, 2019, sent copies of the foregoing "JOINT MOTION FOR A PREHEARING CONFERENCE" via email to:

The Honorable Jane H. Halprin
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John B. Adams
Office of the Administrative Law Judge
Federal Communications Commission
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Pamela S. Kane